



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,156	04/12/2001	Jerome Chen	4701P003	3580

826 7590 03/22/2005

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER


MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/834,156	Applicant(s) CHEN ET AL.	
	Examiner Janice A. Mooneyham	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on April 12, 2001. Claims 1-34 are pending in this application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1-11 only recite an abstract idea. The recited steps of merely providing access to computer reservation systems and allowing the client to book a travel item segment does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper or manually. The

Art Unit: 3629

claim language would encompass a person walking into a travel agency and booking a travel reservation by viewing information on computer screens provided by a computer reservation system. The booking could be made in one of many way, but not necessarily with the aid of the computer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8, 12-17, 24-25 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Flake et al (US 5,832,451) (hereinafter referred to as Flake).

Referring to Claims 1 and 24:

Flake discloses a method and machine readable medium having stored instructions for making travel related bookings, comprising:

providing access to a plurality of computer reservation systems (CRSs) (Figure 1 (14))for a client initiating a travel booking request, CRS including global distribution systems (GDS) (col. 3, lines 16-34 (Apollo, Sabre, Worldspan and Amadeus are GDSs as set forth in applicant's specification on page 15 lines 10-11), col. 19, lines 27-28); and

allowing the client to book at least one travel item segment from any one of the accessible CRSs (Figure 8 (196 Book Air Activity, 200 Book Rail Activity, 204 Book Car Activity, 208 Book Hotel Activity, 212 Book Special Needs Activity), col. 20, lines 16-19)

Art Unit: 3629

Referring to Claim 2 and 25:

Flake discloses a method and medium wherein a travel item segment is one of an air segment, a car segment, or hotel segment (col. 9, lines 34-37, Figure 7 (150-164), Fig. 8 (196 Book Air Activity, 200 Book Rail Activity, 204 Book Car Activity, 208 Book Hotel Activity)).

Referring to Claims 8 and 31:

Flake discloses a method and medium wherein providing access to the plurality of computer reservation systems includes:

reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request (col. 3, line 59 thru col. 4, line 3 (vendor preferences) (a list of preferred vendors (e.g. airlines)); and

accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request (col. 10, lines 54-63, Fig. 9 Block 240).

Referring to Claim 12:

Flake discloses a travel management system (TMS) for making travel related bookings, the TMS comprising:

a server to provide access to a plurality of CRSs for a client, (the CRS including global distribution systems (GDSs) (TIA sysbsystem, col. 3, lines 16-22, col. 5, lines 1-3); and

a booking engine to allow the client to book at least book a travel item segment (Figure 1 (10), col. 5, lines 3-6 (process and display all available customer reservation information.)

Art Unit: 3629

Referring to Claim 13:

Flake discloses a system wherein a travel item segment is one of an air segment, a car segment, or a hotel segment (Figure 7 150-164), col: 9, lines 34-37).

Referring to Claim 14:

Flake discloses a system further comprising a database *to store a super passenger name record (PNR) including the at least one booked travel item segment, the super PNR storing a CRS designation for each booked travel segment* (Figure 1 (18, 20), col. 3, line 55 thru col. 4, line 3). The italicized language is directed to intended use of the system and to non-functional descriptive data as to the information content being stored in the database and does not result in a structural or functional difference with respect to prior art. See *in re Schreiber*, 44 USPQ 2d 1429 (CAFC 1997) and *In re Gulack*, 703 F.2d. 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994). The database in Flake is fully capable of storing all of this data.

Referring to Claim 15:

The limitation that the CRS designation is a name of the CRS or a CRS locator is nonfunctional descriptive data as to content stored in the database and is not functionally related to the structure of the system. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability - see *In re Gulack*, 703 F.2d. 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Referring to Claim 16:

A system further comprising a client interface *to cause the display of the super PNR to the client* (Fig. 2 (30) (workstation, col. 5, lines 3-6, col. 10, lines 1-13, Fig. 8 (186)). Once again the italicized language is directed to the intended use of the interface and the information content being displayed which does not result in a structural or functional difference with respect to the prior art. The workstation in Flake is fully capable of displaying this information.

Referring to Claim 17:

Flake discloses a system wherein the client interface (workstation (30)) allows the client to modify the PNR (col. 6, lines 23-27 – updating customer information in the business entity or individual profiles, Fig. 13 (414), Fig. 15 (478-482)).

3. Claims 1-10 and 24-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jafri et al (US 5,832,454) (hereinafter referred to as Jafri).

Referring to Claims 1 and 24:

Jafri discloses a method and machine readable medium having stored instructions for making travel related bookings, comprising:

providing access to a plurality of computer reservation systems for a client initiating a travel booking request, CRS including global distribution systems (Apollo, Sabre, Worldspan and Amadeus are GDSs connected to direct CRSs as set forth in applicant's specification on page 1 in the description of the related art) (see Fig. 3, col. 3, lines 13-17, col. 4, lines 24-26) and

allowing the client to book at least one travel item segment from any one of the accessible CRSs (col. 6, lines 37-45)

Referring to Claim 2 and 25:

Jafri discloses a method and medium wherein a travel item segment is one of an air segment, a car segment, or hotel segment (col. 2, lines 37-43 and 58-60, col. 5, lines 54-57).

Referring to Claims 3 and 26:

Jafri discloses a method further comprising identifying each booked travel item segment with a CRS designation (Fig. 3 (TA2 and TA3 – used by the Node to sell selected lines from the response on TA1 to complete ITINERARY #2 and 33, col. 6, lines 42-45, col. 4, lines 1-3, col. 5, lines 31-37).

Referring to Claims 4 and 27:

Jafri discloses a method and medium wherein the CRS designation is a name of a CRS or CRS locator (col. 4, lines 1-3, Terminal Address used to access CRS, col. 4, lines 41-42 connections to CRS are referred to as TERMINAL ADDRESSES of TAs)

Referring to Claims 5 and 28:

Jafri discloses a method and medium further comprising storing a travel itinerary booking record for the booked travel item segment (col. 2, lines 31-43, col. 6, lines 23-26 Traveler Profile used as a basis for a CRS Passenger Name Record (PNR)).

Referring to Claims 6 and 29:

A method and medium further comprising displaying the travel itinerary booking record to the client (Col. 3, lines 34-48 - on the Client side, software components include files containing user profiles; data base files related primarily to displaying selections to the user to solicit the user input, Fig. 2 (Profiles), col. 6, lines 9-12)

Referring to Claims 7 and 30:

Jafri discloses a method and medium further comprising allowing the client to modify the travel itinerary booking record (Fig. 4A (S43) Confirm Traveler Profile, col. 6, lines 13-15, if the Traveler Profile is either blank or not correct, the user then enters the correct travel information).

Referring to Claims 8 and 31:

Jafri discloses a method and medium wherein providing access to the plurality of computer reservation systems includes:

reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request (Fig. 2 Profiles (Airline, Hotel, Car Preferences, col. 6, lines 22-26, col. 7, lines 28-30, col. 7, lines 38-43); and

Art Unit: 3629

accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request (col. 7, lines 30-43, col. 10, lines 39-43 – availability information identifying travel options).

Referring to Claims 9 and 32:

Jafri discloses a method and medium wherein the predefined selection of the plurality of CRSs includes a default CRS (Business) or a primary CRS (Best Fares) and at least one secondary CRS (Fig. 4C Best Best Fare (S447) Fare Fight Selection (S449) Business, Coach or First Class Fight Selection (S451), col. 7, lines 44-50).

Referring to Claims 10 and 33:

Jafri disclose a method wherein allowing the client to book at least one travel item segment includes:

displaying available travel items (itineraries) accessed from the selected plurality of CRSs for the travel booking request (col. 2, lines 54-56, col. 3, lines 26-29) ;

allowing the client to select a desired travel item (col. 2, lines 55-57 displays the priced itineraries for selection by the user, col. 3, lines 29-32); and

for each selected travel item, booking the selected travel item with the respective CRS (col. 2, lines 61-66, col. 3, lines 29-30 - issues tickets implies booking; also col. 5, lines 54-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jafri.

Referring to Claims 11 and 34:

Jafri does not disclose method and medium wherein only lowest cost travel item accessed from the selected plurality of CRSs is displayed.

However, Jafri discloses that while the selection process performed within the node does not guarantee the absolute lowest fare, the selection process gives reasonably low fares satisfying the most common user preferences (col. 5, lines 61-64)

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the disclosure of Jafri since common sense and good business practice dictate that many travelers cannot tolerate considerable inconvenience at the expense of saving money if

Art Unit: 3629

there are inconvenient flight times or a large number of connecting flights in order to get the absolute best possible price.

4. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flake as applied to claim 12 above, and further in view of Jafri et al (US 5,832,454) (hereinafter referred to as Jafri).

Referring to Claim 18:

Flake does not disclose the system further comprising a terminal access editor to define a selection of a plurality of computer reservation systems for the client to be stored in a database and accessed during the travel booking request for the client.

However, Jafri discloses disclose the system further comprising a terminal access editor (Server files col. 3, line 65 thru col. 4, line 5 The Server files include Client Servicing files, in particular files relating to assignment of Terminal Addresses (TA) used to access the CRS) The language *to define a selection of a plurality of computer reservation systems for the client to be stored in a database and accessed during the travel booking request for the client* is directed to the intended use of the editor and the server is fully capable of performing this function).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the disclosure of Flake the teachings of Jafri so that flights are selected in accordance with user preferences as stored in the reservation software.

Referring to claim 19:

Flake further discloses a system wherein the booking engine (Figure 1 (10)):

reads the database to determine the selected plurality of CRSs to be accessed during the travel booking request (vendor preferences (airlines), col. 3, line 59 thru col. 4, line 3); and accesses the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request (col. 10, lines 54-63, Figure 9 Block 240).

Referring to Claim 20:

Flake does not disclose a system wherein the selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS.

However, Jafri discloses wherein the selection of the plurality of CRSs includes a default CRS (Business, Coach or First Class Flight Selection) a primary CRS (Best Fare (S447)) and at least one secondary CRS (Figure 4c-4d, col. 5, lines 2-10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the disclosure of Flake the teachings of Jafri since this provides more options for the user to choose from if the actual users preference is unavailable while allowing the system to pursue other options in accordance with the users preference, eg. a user having specified best fare allows system to explore seats available in coach class or special fares lower in cost than standard seats in that class..

Referring to Claim 21:

Flake discloses a system further comprising a client interface (Fig. 1 (30) *to display available travel items accessed from the selected plurality of CRSs for the travel booking request at the client; and allow the client to select the desired travel item.*

The italicized language is directed to the intended use of the interface. The interface (workstation (30) in Flake is fully capable of displaying this type information since the workstation displays all available customer reservation service information 9col. 5, lines 3-6)

Referring to Claim 22:

Flake discloses a system wherein for each selected travel item, the booking engine books Figure 1 (10) the selected item with the respective CRS (col. 5, lines 3-6 – system 10 can receive, store, process, and display all available customer reservation service information, Figure 9(244)).

Referring to Claim 23:

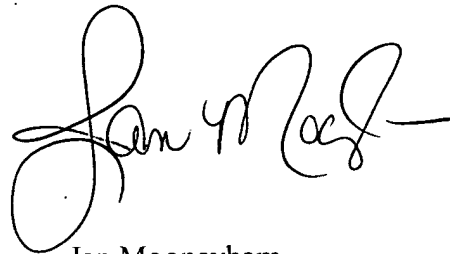
The limitation that only the lowest cost travel item accessed is displayed is considered non-functional descriptive data that is not functionally interrelated with the structure of the system and thus will not distinguish the claimed invention from the prior art in terms of patentability. - see *In re Gulack*, 703 F.2d 1381, 1385, 217 SUPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994) The interface in Flake is fully capable of displaying all types of information.

Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham", with a long horizontal stroke extending to the right.

Jan Mooneyham
Patent Examiner
Art Unit 3629